The Secretary to the Sri Mulam Assembly then read the title of the Bill—"The Travancore Sale of Goods Bill."

**MR. PUTHUPALLY S. KRISHNA PILLAI:** I beg to move that the Travancore Sale of Goods Bill be referred to a Select Committee consisting of the following members:

1. Sahib Bahadur V. Chandamiah
2. Mr. S. Chattanatha Karayalar
3. Mr. John Joseph
4. Mr. K. C. Karunakaran
5. Mr. T. T. Kesavan Sastri
6. Mr. Mathai Chemparathy
7. K. Narayanaperumal Nadar
8. Mr. K. R. Narayanan
9. Mr. Puliyoor T. P. Velayudhan Pillai
10. Mr. S. Narayana Pillai, and
11. Mr. Puthupally S. Krishna Pillai,

to report within three months.

**MR. M. P. JOSEPH:** I second it.

The motion was put and carried.

## THE TRAVANCORE SPECIFIC RELIEF BILL.

**MR. PUTHUPALLY S. KRISHNA PILLAI:** Sir, I beg to introduce the Travancore Specific Relief Bill. As many of the honourable members are aware, this is intended to operate as a supplement to the provisions contained in the Civil Procedure Code. The absence of a statute relating to this matter was not infrequently felt by courts in deciding cases relating to specific relief. For such purposes our courts have been relying on the Indian Specific Relief Act. The Indian Specific Relief Act contains the principles of the decisions of courts of equity in England. The notes on clauses will explain what exactly are the implications contained in the several clauses of the Bill. I have carefully gone through the several decisions of our courts bearing on specific relief and I may assure the members that the principle embodied in the several provisions of the Bill have been adopted and acted upon by our courts. I beg, Sir, to move that the Bill be read.

**MR. M. P. JOSEPH:** I second it

**MR. E. SUBRAMONIA AIYER:** So far as the Specific Relief Bill is concerned, as was pointed out, our courts, no doubt, grant the reliefs contemplated by this Bill. I, for one, feel that the power of the courts to mould their procedure to afford the appropriate relief in an individual case should not be limited by hard and fast rules. This Bill admittedly has very little to do with commercial business. The reasons which would apply to all the other Bills now before this House do not strictly apply to this Bill.

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**PRESIDENT:** I take it that what may be called the inherent powers of courts are preserved. So, on that point there need be no apprehension in the minds of a trained lawyer like Mr. E. Subramonia Iyer and others.

**MR. E SUBRAMONIA AIYAR:** I am coming to that. They do not take away the inherent powers of the courts. Curiously enough I do not find a provision in the Bill similar to Section 45 of the Act in British India. Sooner or later, we may become a unit in the Federation and we will have something to do with the Federal Courts. The powers vested in public authorities may require supervision by some judicial authority. In extraordinary cases it may be vested in the High Court as it is done in other places. That does not mean that I oppose the principle of the Bill. I am only pointing out that if we are going to have such a Bill I would suggest that this matter may be taken into consideration at the further stages of the Bill. I am only taking advantage of this occasion to point out to the House that more powers may be vested in the High Court than those that exist at present. Particularly to my mind it appears that the power to compel public authorities to do the duty which may be imposed upon them by Statute, must in the modern state be vested in the highest court of the land.

**PRESIDENT:** I do not wish to speak on technical legal matters, but I must say that Mr. E. Subramonia Aiyar was justified in many of his observations. I take it that one of the objects of our legislation will be to extend the jurisdiction of the High Court so as to make it an effective instrument for meeting justice. The Specific Relief Act itself was a part of the equitable jurisdiction and as the speaker who has just now sat down knows the jurisdiction varied with the length of the Lord Chancellor's foot, this maxium meaning that it was a discretionary jurisdiction. There is a great deal of necessity in this country especially in view of the possible coming events that there should be a machinery by which the tasks performed by the origina sides of the Chartered High Courts should be performed by our High Court such as the right to issue writs of *Mandamus and Certiorari* and so forth. These are matters which the Select Committee will keep in mind. To do so will, however, diverge beyond the fundamental principles of the Bill. I am sure that the trained intelligence of this House will be available for that purpose.

The Secretary to the Sri Mulam Assembly then read the title of the Bill—"The Travancore Specific Relief Bill."

**MR. PUTHUPALLY S. KRISHNA PILLAI:** I beg to move that the Travancore Specific Relief Bill be referred to a Select Committee consisting of the following members:

1. Mr. E. Subramonia Aiyar
2. Mr. S. Chattanatha Karayalar
3. Mr. M. L. D'Cruz
4. Mr. N. V. Joseph

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5. Mr. C. Jebamony Nadar
6. Mr. K. P. Kochukora Tharakan
7. Mr. K. R. Narayanan
8. Kainikkara M. Padmanabha Pillai
9. Kotiveettil C. Raman Kunju
10. Mr. P. Vivekanandam, and
11. Mr. Puthupally S. Krishna Pillai

to report within three months.

The motion was put and carried.

## THE TRAVANCORE PARTNERSHIP BILL.

**MR. PUTHUPALLY S. KRISHNA PILLAI:** I beg to introduce the Travancore Partnership Bill. As I have already stated this Bill is drawn up on the lines of the corresponding British Indian Act. In this connection it may be stated that on one or two points our High Court have departed from the principles formerly contained we followed the English Law in preference to the Indian Act in the Indian Contract Act. When the British Indian Partnership Act was enacted they adopted the principle which has been accepted by our High Court. The British Indian Partnership Act was drawn up on the lines of the English Act and the English Act is becoming the model of all commercial countries. Most of the American States have enacted legislation on the lines of the English Act and it is thought therefore necessary that we should also fall into line with the other legislatures and enact a law which is not at variance with the law elsewhere. I move, Sir, that the Partnership Bill be read in the Assembly.

**MR. M. P. JOSEPH:** I second it.

The Secretary to the Sri Mulam Assembly then read the title of the Bill—"The Travancore Partnership Bill."

**MR. PUTHUPALLY S. KRISHNA PILLAI:** Sir, I move that the Travancore Partnership Bill be referred to a Select Committee consisting of

Messrs.

1. E. Subramonia Iyer
2. V. Chandamiah
3. P. C. Adichan
4. E. E. Pandarathil
5. D. Francis
6. M. L. Janardanan Pillai
7. M. Kesava Panicker
8. S. Narayana Pillai
9. Puliyoor T. P. Velayudhan Pillai
10. Dr. C. R. Harler, and
11. Mr. Puthupally S. Krishna Pillai

to report within three months.

**MR. M. P. JOSEPH:** I second it.

The motion was put and carried.

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